

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR04-512-MJP
Plaintiff,)
v.)
ELIZABETH KAY GUTIERREZ,) SUMMARY REPORT OF U.S.
Defendant.) MAGISTRATE JUDGE AS TO
) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE

An evidentiary hearing on supervised release revocation in this case was scheduled before me on January 29, 2009. The United States was represented by AUSA Tessa M. Gorman and the defendant by Paula Semmes Deutsch. The proceedings were digitally recorded.

Defendant had been sentenced on or about April 28, 2006 by the Honorable Marsha J. Pechman on a charge of Conspiracy to Commit Bank Fraud, and sentenced to 245 days custody, with credit for time served, and 5 years supervised release. (Dkt. 370.)

The conditions of supervised release included the standard conditions plus the requirements that defendant participate in drug testing and treatment, abstain from alcohol, submit to search, participate in a mental health program, reside in and satisfactorily complete the SeaMar Recovery

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01 Center program, pay restitution in the amount of \$25,462.85, provide access to financial
02 information, be prohibited from incurring new lines of credit or credit charges, and not possess any
03 identification documents in any but defendant's true identity.

04 In an application dated January 9, 2009 (Dkt. 461), U.S. Probation Officer Tammy M.
05 White alleged the following violations of the conditions of supervised release:

06 1. On October 6, 14, and 27, 2008, Ms. Gutierrez failed to report for urinalysis testing
07 as required by Evergreen Treatment Services, in violation of the special condition that she
08 participate in drug aftercare.

09 2. On or before October 31, 2008, Ms. Gutierrez was terminated from Evergreen
10 Treatment Services in violation of the special condition that she participate in drug aftercare.

11 Defendant was advised in full as to those charges and as to her constitutional rights.

12 Defendant admitted the alleged violations and waived any evidentiary hearing as to
13 whether they occurred. (Dkt. 469.)

14 I therefore recommend the Court find defendant violated her supervised release as alleged,
15 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
16 set before Judge Pechman

17 Pending a final determination by the Court, defendant has been released on the conditions
18 of supervision.

19 DATED this 29th day of January, 2009.

20 
21 Mary Alice Theiler
22 United States Magistrate Judge

01 cc: District Judge: Honorable Marsha J. Pechman
02 AUSA: Tessa M. Gorman
03 Defendant's attorney: Paula Semmes Deutsch
04 Probation officer: Tammy M. White
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